

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ROBERT WESLEY BRYANT
TX-1330330-R

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DOCKETED COMPLAINT NO. 07-185

AGREED FINAL ORDER

On this the _____ day of _____, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Robert Wesley Bryant, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

Although Robert Wesley Bryant denies Findings of Fact number 6 and Conclusions of Law numbers 2 and 3 contained herein, in order to avoid the costs of further litigation and resolve and conclude this matter, he agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Robert Wesley Bryant, is a state certified real estate appraiser, holds certification number TX-1330330-R, and has been certified or authorized by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about February 14th, 2007, the Respondent appraised real property located at 5118 & 5122 Mallow Street, Houston, Harris County, Texas 77033 ("the property").
4. On or about August 1st, 2007, the Complainant, Ms. Lakisha Jackson, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.
5. On or about September 6th, 2007, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response was received.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) Respondent failed to comply with the record keeping provisions of the USPAP Ethics Rule;
- b) Respondent failed to identify and report improvement(s) description adequately, and failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature;
- c) Respondent failed to provide a brief summary of his rationale and basis for his determination of the property's highest and best use;
- d) Respondent failed to use an appropriate method or technique to develop a site value determination and failed to provide support for this determination;
- e) Respondent failed to collect, verify, analyze, and reconcile the cost new of improvements adequately, and failed to correctly employ recognized methods and techniques in his cost approach;
- f) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately, and failed to correctly employ recognized methods and techniques in his sales comparison approach;
- g) Respondent failed to collect, verify, analyze and reconcile comparable data to estimate capitalization and/or discount rates, and failed to correctly employ recognized methods and techniques in his income capitalization approach;
- h) Respondent failed to analyze all agreements of sale, options or listings of the subject property current as of the effective date of his appraisal;
- i) Respondent failed to analyze a prior sale of the property;
- j) Respondent failed to reconcile the quality and quantity of the data within the approaches used, and the applicability or suitability of the approaches; and,
- k) Respondent's appraisal report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535 (Vernon 2007).

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iv) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-4(c)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(c); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 1-6(a) & (b); 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in the Income Approach or in the Residential Sales Comparison Approach or in Residential Case Studies;
- c. Attend and complete a minimum, 7 classroom-hour course in Valuation by Comparison: Residential Analysis and Logic;
 - i. No examination shall be required for this course; and
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **EIGHTEEN MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the eighteen-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE

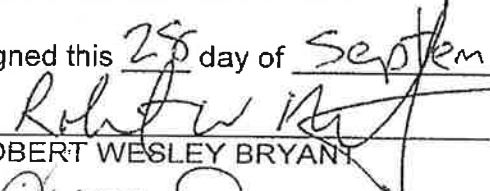
PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent shall be notified of any such suspension by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, it shall remain suspended until such time as Respondent satisfies that portion of the Agreed Final Order which he has defaulted on and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

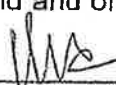
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

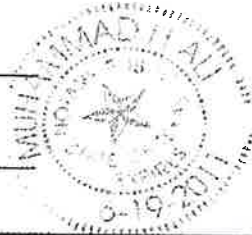
Signed this 28th day of September, 2010.


ROBERT WESLEY BRYANT

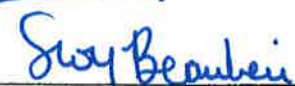

LISA M. DOERING, ATTORNEY
FOR RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 28th day of September, 2010, by ROBERT WESLEY BRYANT to certify which, witness my hand and official seal.



Notary Public Signature
Muhammad H. Ali
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17TH day of NOVEMBER, 2010.


Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 19 day of Nov, 2010.



Douglas E. Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 19 day of Nov, 2010.



James B. Ratliff, Chairperson
Texas Appraiser Licensing and Certification Board